

REMARKS

The above amendments are submitted in response to the Final Office Action mailed June 25, 2007 and in connection with a Request for Continued Examination (RCE). In addition, Applicant respectfully requests that a one-month extension of time be granted to respond to the Office Action mailed June 25, 2007 and that the Examiner consider this a petition therefor. The period of response therefore extends up to and includes October 25, 2007, and this paper is timely filed. Authorization for a Credit Card charge of \$930.00 (including \$810.00 for the requisite RCE fee and \$120.00 for the one-month extension fee) is hereby included in the Electronic Fee Sheet attached. Reconsideration and allowance of all pending claims by the Examiner are therefore respectfully requested.

In the subject Office Action, claims 1-5, 8-15 and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,131,112 to Bartz et al. in view of U.S. Patent Application Publication No. 2003/0167446 by Thomas, and claims 6-7 and 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartz et al. in view of Thomas and further in view of U.S. Patent No. 6,385,768 to Ziebell.

Applicant respectfully traverses the Examiner's rejections to the extent that they are maintained. Applicant has amended claims 1, 11 and 21 and added new claim 23. Applicant respectfully submits that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed. Applicant also notes that the amendments made herein are being made only for facilitating expeditious prosecution of the aforementioned claimed subject matter. Applicant is not conceding in this application that the originally claimed subject matter is not patentable over the art cited by the Examiner, and Applicant respectfully reserves the right to pursue this and other subject matter in one or more continuation and/or divisional patent applications.

As an initial matter, Applicant wishes to thank the Examiner for the courtesy extended in the personal interview between the Examiner and Applicant's representative on October 18, 2007. In the interview, proposed amendments to the claims were discussed, as were the reasons why the claims, as amended, distinguished over the prior art of record.

The Examiner indicated that the proposed amendments appeared to overcome the current rejections, and the Examiner agreed to contact the undersigned should the current amendments fail to place the case in condition for allowance.

Now turning to the rejections, and specifically to the rejection of independent claim 1, this claim has been amended to clarify that:

(1) the modified version is adapted from the first release of the standard code base by an entity other than that which developed the first release of the standard code base;

(2) the modified version is adapted from the first release of the standard code base for the purpose of adapting the first release of the standard code base to operate on a particular type of computer; and

(2) the difference data is used to generate a modified version of the second release of the standard code base that adapts the second release of the standard code base to operate on the particular type of computer.

Support for these amendments may be found, for example, in paragraph [0007] of the published application.

As Applicant noted in the interview, one significant aspect of Applicant's invention is the fact that a standard code base, created by one entity, can be adapted by another entity to operate on a particular computer platform, and that, once another release of the standard code base occurs, the changes made to the earlier release of the standard code base when creating the modified version can be used to create another modified version of the new release of the standard code base, and thus adapt the new release of the standard code base to again operate on that particular computer platform.

An illustrative example of one possible use of the invention of claim 1 is described at paragraph [0031] of the published application, where a standard code base may be the Java Development Toolkit, and in particular, the windowing package used therein (referred to as the Java Abstract Window Toolkit(AWT)), developed by Sun Microsystems, the licensor of Java. The Java AWT as a standard code base is capable of being used on a wide variety of computer platforms, and developers are allowed to modify this code base for their own particular needs. For example, it might be desirable to specifically adapt the

AWT, which is intended for use in displaying windows on a local computer upon which a Java program is running, for use in a client/server environment where the window that may be displayed by a program running on a server is displayed on a client computer. If, for example, Sun Microsystems releases version 1.0 of the AWT, and a developer adapts this release to support a client/server environment, certain changes will have been made to that standard release to support the different functionality.

Later, Sun Microsystems updates the AWT to version 2.0, and the developer wishes to update their own customized version of the AWT to support the newer standard release, the developer will be required to make many of the same changes to the version 2.0 release as were made to the original 1.0 release. Conventionally, however, a developer would be required to manually go back through the original customized version to locate the changes made to the version 1.0 release, and then manually attempt to recreate those changes in the version 2.0 release.

Using the methodology recited in claim 1, however, a canonical parser may be used to generate difference data representative of the changes made by the developer to the version 1.0 release. This difference data may then be used to apply the same changes to the version 2.0 release. While in many cases not all changes made to the version 1.0 release will be able to be made in exactly the same manner in the version 2.0 release, the developer often has a “head start” on how to modify the version 2.0 release to enable the customized functionality that had previously been added to the version 1.0 release.

It is also important to note that, since the developer of the modified version of a release is a different entity than that which developed the standard code base (i.e., Sun Microsystems for the Java AWT), there is generally no capability for that developer to have his or her specific changes incorporated into the next release of the standard code base, particularly given that the adaptations that the developer may make to adapt the code base to operate on a particular computer platform would likely not be compatible with other computer platforms, and thus would be unsuitable for incorporation into a standard code base that was configured to work with multiple types of computers.

In the Final Office Action, the Examiner again relied principally on Bartz, and took a broad reading of the concepts of a “standard code base” and a “modified version of a release.” Applicant thanks the Examiner’s suggestions in the interview for how to better define these concepts, and the amendments made herein serve to clarify these concepts, specifically through clarifying that the modified version adapts the standard code base to operate on a particular type of computer, and that the adaptation is performed by an entity other than that which developed the standard code base.

Bartz, in contrast, does not disclose or suggest applying changes made to one release of a code base to another release of that same code base, where the changes are made in connection with adapting the code base to operate on a particular type of computer. The cited passages merely discuss determining changes that have been made to a specification, and then deciding whether to apply those changes to the same specification. As noted previously, this relates back to the situation where multiple developers may make incompatible changes to a common file, with the routine of Fig. 7 enabling selected changes by different developers to be accepted and merged into a common file.

As also noted previously, Bartz additionally discloses in Figs. 8-9, and in cols. 9-10, a concurrent building and development process where reference builds of a project are created on a periodic basis. Individual developers are able to retrieve copies of files into local enlistment areas and make changes to those files. When the files are later retrieved from a common area, the builder’s local changes are applied to those files for use by the developer. There is no disclosure, however, of applying changes made in one release of a standard code base to another release of that standard code base, as recited in claim 1. The changes, when applied to a particular file, are applied to the same version to which the changes were originally applied by the developer. Furthermore, none of these changes are performed by an entity other than that which developed a standard code base, nor are the changes created for the purpose of adapting a standard code base to operate on a particular type of computer. Accordingly, this additional embodiment of Bartz likewise falls short of disclosing these features of claim 1.

Thomas also does not address these shortcomings of Bartz. The Examiner cites Thomas for disclosing a canonical parsing, and irrespective of whether the reference does disclose canonical parsing, the reference does not disclose the use of difference data representative of changes in a modified version of a first release of a standard code base to apply those changes to a second release of that same standard code base, where the changes are created by an entity other than that which developed the standard code base, and where the changes adapt the standard code base to operate on a particular type of computer. Thomas, in particular, is directed to detecting and tracking changes in markup language files, and the reference lacks any of the features that are likewise absent from Bartz.

Accordingly, the combination of Bartz and Thomas does not disclose or suggest the use of difference data associated with changes made to a first release of a standard code base to apply changes to a second release of that standard code base, where the changes are made by an entity other than that which developed the first release of the standard code base, and are made for the purpose of adapting the first release of the standard code base to operate on a particular type of computer. Nor do Bartz and Thomas disclose or suggest using the difference data to generate a modified version of a second release of a standard code base that adapts the second release of the standard code base to operate on a particular type of computer.

Applicant also submits that one of ordinary skill in the art would not be motivated to modify Bartz to incorporate the application of changes from one release of a standard code base to another release of the code base, where the changes are created by an entity other than that which developed the standard code base, and are created for the purpose of adapting the standard code base to operate on a particular type of computer. Bartz, in particular, is directed to a development environment where a large number of developers are working on the same development project. The invention of claim 1, on the other hand, is directed to the situation where a developer is not participating in a development project for a standard code base, and is only, after the fact, able to adapt the standard code base for his or her particular needs after the standard code base has been released by another entity. In the Bartz system, with all developers operating on behalf of the same entity, any changes that might have to be made to one release of a product could be incorporated

directly into the next release of that product. There is no objective reason, and thus no motivation, for a developer in the Bartz environment to have to determine the changes that were made to one release of a product, and then apply those changes to a later release of the same product. The invention of claim 1 has a unique applicability in scenarios where a developer that is adapting a standard code base to work on a particular type of computer has no ability to incorporate those changes or adaptations into the next release of the standard code base, and neither Bartz, nor any of the other prior art of record, appreciates this problem or this solution.

Applicant therefore respectfully submits that claim 1 is non-obvious over Bartz, Thomas, and the other prior art of record. Reconsideration and allowance of claim 1, and of claims 2-10 which depend therefrom, are therefore respectfully requested.

Next with regard to independent claims 11 and 21, each of these claims has been amended in a similar manner to claim 1, and thus each recites in part that the modified version is adapted from the first release of the standard code base by an entity other than that which developed the first release of the standard code base, the modified version is adapted from the first release of the standard code base for the purpose of adapting the first release of the standard code base to operate on a particular type of computer, and the difference data is used to generate a modified version of the second release of the standard code base that adapts the second release of the standard code base to operate on the particular type of computer. Claims 11 and 21 are therefore non-obvious over the prior art of record for the same reasons as presented above for claim 1. Reconsideration and allowance of claims 11 and 21, and of claims 12-20 which depend therefrom, are therefore respectfully requested.

As a final matter, the Examiner will note that Applicant has added new claim 23, which depends from claim 1 and additionally recites that using the difference data in applying the changes made to the first release of the standard code base to the second release of the standard code base is performed by the entity that adapted the modified version after the second release has been released by the entity that developed the first release of the standard code base. Applicant submits that this additional feature is not

disclosed or suggested by Bartz or the other prior art of record, and that, with respect to Bartz, since there is no explicit discussion of “releases” per se, the reference could not be relied upon to disclose modifying a subsequent release after it has been released. Consideration and allowance of claim 23 are therefore respectfully requested.

In summary, Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23 3000.

Respectfully submitted,

October 25, 2007
Date

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